IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4124 OF 2007

Ambika Enterprises ..Petitioner.
Vs.
Seth Ramdas Nathibai Shah & Anr. ..Respondents.

Mr.Vinod Tayade, adv. for the Petitioner.
Mr.Atul Damle, adv. for the Respondent No.1.
Mr.P.S.Dani, adv. for the Respondent No.2.

CORAM : J.H.BHATIA, J.
DATE : JULY 6, 2007.

P.C.

1. The petitioner was intervenor before the Joint Charity Commissioner, who granted permission under Section 36(1)(a) of the Bombay Public Trust Act to the respondent no.1 Trust to dispose off certain property in favour of the respondent no.2 for a consideration of Rs.2 crores. The petitioner had filed intervention application before the Joint Charity Commissioner before the said permission was granted. However, he was not heard. It is the contention of the petitioner that after the permission was granted on 4th January, 2007, the petitioner also filed a review application on 8th January, 2007 and that review application has not been so far considered and decided by the Joint Charity Commissioner, Pune. In the petition, it was contented that the petitioner had offered a price of Rs.2 crores to be paid in lumpsum while the respondent no.2 had offered to pay the amount in instalments. When this matter came up for hearing for admission, Mr.Vinod

Tayade the learned counsel for the petitioner, on instructions from the partner of the petitioner firm, Mr.Girish Lodha who is present, made a statement that the petitioner is willing to offer and deposit an amount of Rs.4 crores as a price of the land. He also makes a statement that if the fresh advertisement is issued, all the parties may be allowed to make their offers and if none of them offers more than Rs.4 crores, then his offer to purchase the property for Rs.4 crores will stand. The learned counsel for the respondents agrees that the petitioner may be allowed to deposit an amount of Rs.4 croes before the Joint Charity Commissioner by 10th July, 2007 and if he deposits the amount, the Joint Charity Commissioner may be directed to hear and decide the review application.

2. With consent and in view of the statement made on behalf of the petitioner, the petitioner is allowed to deposit an amount of Rs.4 crores with the Joint Charity Commissioner, Pune on or before 10th July, 2007 and if the amount is so deposited, the Joint Charity Commissioner shall hear and dispose off the review application, filed by the petitioner before him, within two months as per law. Meanwhile, the respondent no.2 shall not make any development or construction on the disputed land though he may proceed with other official requirements for obtaining permission for construction

but that permission shall also be subject to the result of the review application.

3. With aforesaid directions, petition stands disposed off.

4. Parties shall act on an authenticated copy of this order.

[J.H.BHATIA, J.]